

REMARKS

Claims 1 and 3- 23 are pending. By this Amendment, claim 2 is canceled without prejudice or disclaimer and claims 1 and 3 are amended. Prompt examination and favorable consideration on the merits are respectfully requested.

In reply to the election of species requirement, Applicants hereby provisionally elect Species I, Figures 2-7. This election is made with traverse. It is respectfully submitted that claims 1 and 3, at least, read on the elected species.

It is respectfully submitted that the restriction requirement is improper as the criteria for a proper restriction requirement set forth in MPEP § 803 has not been satisfied. In particular, it is respectfully submitted that no serious burden exists to search and examine the entire application.

MPEP § 808 states: “Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections.” (Italicized emphasis in original.) MPEP § 808.02 sets for the criteria for establishing that a serious burden exists to search and examine the entire application. It is respectfully submitted that the Examiner has not performed the analysis required by MPEP § 808.02 for establishing the requisite burden.

Reconsideration and withdrawal of the restriction requirement are respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



John P. Darling

Reg. No. 44,482

Tel. No. 703.770.7745

Fax No. 703.770.7901

May 22, 2006

P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900